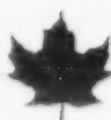


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30/10/2006

### Opening Remarks by Commissioner David Langtry at the Third International Symposium on Hate on the Internet

Opening Remarks  
by Commissioner David Langtry

Third International Symposium  
on  
Hate on the Internet  
September 11, 2006  
Toronto

Good morning:

I am pleased to be here on behalf of the Canadian Human Rights Commission at the beginning of this important symposium on Hate on the Internet.

As many of you know, the Canadian Human Rights Commission has a unique role in combatting hate on the Internet. Section 13 of the *Canadian Human Rights Act* empowers the Commission to investigate complaints regarding the use of the Internet to transmit messages likely to expose individuals to hatred or contempt. To the best of our knowledge, this is the only non-criminal legislation in the world that deals specifically with hate on the Internet.

The first hate on the Internet complaint dealt with by the Commission was against Ernst Zundel who ran the so-called Zundelsite. Among the publications posted on that site was a publication entitled *Did Six Million Really Die?*, a classic piece of holocaust denial. The Canadian Human Rights Tribunal rendered its decision in January of 2002, finding that Zundel had contravened the *Canadian Human Rights Act*. The Tribunal decision confirmed the Commission's jurisdiction over hate on the Internet, although coincidentally, the statute had been amended to make this clear the previous month as part of the *Anti-Terrorism Act*.

Since 2001, fifty-one complaints have been filed with the Commission under section 13 of the Act. After investigation by the Commission, twenty-seven of those complaints were referred to the Canadian Human Rights Tribunal for a hearing, six cases are still under investigation or awaiting a Commission decision, nine cases were closed because there was insufficient evidence to proceed and another nine cases are pending decisions on admissibility. The Tribunal has issued eight decisions, determining, in all cases, that the respondents had contravened section 13 of the Act and ordering them

to cease and desist from their activities.

To facilitate the processing of section 13 complaints, the Commission has launched a Commission-wide strategy that includes, among other actions:

- The establishment of a Section 13 Complaints Team that includes investigative, legal and policy officers with specialized expertise in issues relating to section 13;
- The review of investigative procedures to ensure cases are dealt with expeditiously and thoroughly;
- Ongoing discussions with Internet service providers on ways to cooperate to combat hate; and
- Meetings with organizations representing groups that are, or may be, targets of hate on the Internet.

The Commission has also been pursuing innovative legal approaches at the Tribunal and in the Courts, including, most recently, a successful application for an injunction ordering Tomasz Winnicki to cease his activities pending a Tribunal determination of the complaint against him. When the respondent continued to publish messages on the Internet, even after a Tribunal decision, the Commission applied to the Federal Court for enforcement. The respondent was found in contempt of court and sentenced to nine months in prison. Mr. Winnicki is now serving his sentence but has filed an appeal.

As part of the Commission-wide strategy, the Commission convened a conference entitled *A Serious Threat: A Conference on Hate on the Internet and Section 13 of the Canadian Human Rights Act*. The conference took place in Ottawa in December of 2005. Copies of the proceedings of the conference will be available to all participants today.

The work of the Commission is, of course, only a small part of a much broader strategy against hatred. It is not just the domain of the Commission, other human rights commissions, the police and the justice system. They, along with civil society and all levels of government, must work together if there is any hope of success. It also requires international cooperation and coordination with like-minded governments and organizations around the world.

Why does all this matter? The answer is simple. Words matter. And they matter a great deal. Words of hate cause real harm. They have no place in Canada.

This was stated most eloquently by former Chief Justice of the Supreme Court, Brian Dickson, in the 1990 Taylor decision that upheld the constitutional validity of the pre-Internet version of section 13 of the Act. The Chief Justice wrote:

...hate propaganda presents a serious threat to society . . . messages of hate propaganda undermine the dignity and self-worth of target group members and, more generally, contribute to disharmonious relations among various racial, cultural and religious groups, as a result eroding the tolerance and open-mindedness that must flourish in a multicultural society which is committed to the idea of equality . . .

All this is why this symposium, which brings together experts from around the world, is so vitally important. The B'nai Brith League for Human Rights is to be commended for convening this third international symposium with such a distinguished list of speakers and participants.

On behalf of the Canadian Human Rights Commission, I would like to thank you for attending this symposium and wish you well in your important deliberations. The work done here will help pave the way to eradicating the propagation of hate in all its forms.

Thank you.

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